IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 14844 of 2004

Between:

M. Ranga Nayakulu S/o Subba Rayudu
R/o Plot No. 46, Ward-4, Block-8, Bagh Hayathnagar, Hayathnagar V&M
Ranga Reddy District

..... PETITIONER

AND

1 The Station House Officer, P.S. Hayathnagar, Ranga Reddy District
2 S. Indrasena Reddy S/o Venkata Reddy
r/o Hayathnagar Village & Mandal, Near Post Office, Ranga Reddy District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction one particularly in the nature of mandamus while declaring the impugned action of first respondent enabling the second respondent to occupy house property on Plot No. 46 admeasuring 368 Sq.yds in Sy.Nos. 252 and 253 situated at Ward-4, Block-8 Bagh Hayathnagar, Ranga Reddy District, without any action for demolition of structure therein, in response to petitioner's report, in spite of direction from CI. Circle Office P.S. Vansthalipuram as illegal, arbitrary and discriminatory and violative of fundamental rights of petitioner and principles of natural justice, to direct the first respondent to investigate into matters by registry of crime on the report dt 27-07-2004 to lay final report.

Counsel for the Petitioner: MR.M.PRAVEEN KUMAR

Counsel for the Respondent No.: GP FOR HOME

The Court made the following at the admission stage :

ORDER:

The petitioner seeks to issue writ of mandamus directing the first respondent in not taking any action on the report filed by the petitioner on 27.7.2004 by registering a case against the 2nd respondent and in not protecting the property of the petitioner and encouraging the 2nd respondent to interfere with the rights of the petitioner's property as illegal and arbitrary.

Counter affidavit has been filed by the first respondent stating that there is a civil dispute in respect of Plot No.46 in Sy.Nos.252 and 253 admeasuring 328 sy.yards situated at Housing Board Colony, Bagh Hayathnagar, Hayathnagar Mandal, Ranga Reddy District, for which the petitioner filed O.S.No.11 of 2004 on the file of the Principal Junior Civil Judge, East and North, Ranga Reddy District, wherein an order of status quo was granted on 9.8.2004 in I.A.No.2997 of 2004. It is the case of the petitioner that to implement the said order of the Civil Court, the petitioner filed a representation before the first respondent and the first respondent has not taken any action so far. It is stated by the first respondent that the 2nd respondent also lodged a complaint on 29.7.2004 alleging that the petitioner and one D.Arjuna Rao have trespassed into the said plot and caused damage and also threatened him with dire consequences and, accordingly, the first respondent registered a case in Cr.No.345 of 2004 under Sections 447, 427, 506 IPC and took up investigation and the matter is under

investigation. It is also stated that the petitioner has not filed any complaint on 25.7.2004 stating that the 2nd respondent illegally trespassed into the land of the petitioner. On the said complaint of the petitioner, an enquiry was conducted by the Circle Inspector of police and found that no such incident has been taken place. It is also stated that if really an incident has been occurred on 25.7.2004 and now the first respondent stated that no such incident has been taken place on the said date, it is for the petitioner to file a private complaint either to take cognizance or for necessary direction to investigate into the matter.

In view of the aforesaid counter affidavit, I do not see any prima facie case to direct the police to investigate into the said report of the petitioner.

The writ petition is, accordingly, dismissed with liberty to the petitioner to take appropriate action before the Criminal Court. No order as to costs.

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(V.ESWARAIAH, J.)

26.4.2005

kpr

To

1. The Station House Officer, P.S. Hayathnagar, Ranga Reddy District.
2. 2 c.c to the Govt. Pleader for Home, High Court buildings, Hydeabad (O.U.T.)

3. 2 C.D. copies